FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL REVISION APPLICATION NO. 5 OF 2007

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders. :	: : : :	Court's or Judge's orders

K.S.Patil for the applicants.

CORAM: A.M.KHANWILKAR, J.

DATED: 12th January 2007.

P.C.:

. I see no reason to depart from the view taken by the lower Court in answering the issue of limitation against the applicants. The argument that plaintiff cannot be permitted to contend contrary to the entry appearing in the Enquiry Register, cannot be the basis to decide the issue of limitation. If the issue was to be treated as preliminary issue, the Court can look only into the averments made in the plaint. The fact that the plaintiff has relinquished her right in the suit property as back as in 1979 is a matter for trial and cannot be answered against the plaintiff as preliminary issue.

Hence dismissed.

(**A.M.KHANWILKAR, J.**)